

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In Re: Robert E Deis : Case No: 15-55928  
Joyce E Deis :  
Debtor(s) : Chapter 13 Judge: C KATHRYN PRESTON  
:

**FIRST AMENDED**

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION**

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income     X     Below median income           

    X     **11 U.S.C. §1325(a)(1)**-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

    X     Debtor has failed to file a complete list of creditors, statement of financial affairs, schedules including current income and expenses, or other filing requirements, pursuant to 11 U.S.C. § 521. **SFA(1) does not disclose 2014 income for the debtors.**

    X     Other: **Per 341 testimony the Germain contract is valued at \$70,000. Amend B accordingly to disclose.**  
**Schedule B does not reflect the value for the contract for lots on Mellrose and Cleveland Ave. Need to provide a value.**  
**Per 341 testimony the debtors live separately but per petition they live in the same residence. Clarify.**

    X     **11 U.S.C. §1325(a)(4)**-Plan does not meet the best interest test.

    X     Trustee is unable to accurately determine best interest as Debtor(s) have failed to provide an acceptable appraisal, pursuant to LBR 3015-3(e)(3). **Need to file an appraisal.**

    X     Debtor(s)' expenses exceed reasonable, necessary expenses. **The totality of debtors' expenses exceed reasonable and necessary expenses.**

    X     **11 U.S.C. Section 1326(a)(1)**-Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Need to provide the balance of \$1900 to be current on the 1st plan payment.**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for December 03, 2015, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

**TERMS OF THE PLAN:**

**Plan Payments: \$1900 for 12 months, \$2540 for 12 months, \$3180 for 12 months, \$3820 for 12 months, \$4460 per month for the duration of the plan.**

**Best Interest Dividend: 0% Dividend: 5%**

**Length: 60 Months**

Further, Trustee notes that:

  X   Debtor(s) have failed to attend Debtor Orientation.

  X   Need to file a notice of change of address for debtor Mrs.

Dated: October 29, 2015

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085

(614) 436-6700

trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's First Amended Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: October 29, 2015

/s/ **Frank M. Pees**

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085-6300